

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 7, 1977
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino

Absent: None

Councilmember Mullen gave the Invocation, substituting for the
scheduled minister.

RESOLUTION

Mayor McClellan read a resolution from the City of Austin recognizing
the Austin Board of Realtors for its contributions and cooperation with the
local taxing authorities as well as other segments of municipal government.
Accepting the resolution were Don Reed and Moe Terrell of the Austin Board of
Realtors. Mr. Terrell commented this was a classic example of the results
obtained when government and industry solve a problem. Resulting benefits will
be for the taxing authorities as well as the tax paying public. Mr. Terrell
recognized Mr. Forest Pearson, who had chaired the committee concerned with this
issue.

EXECUTIVE SESSION

Mayor McClellan announced that the Council had a meeting in Executive
Session prior to the meeting and made the following appointment:

Capital Area Planning Council

Councilmember Mullen moved that the Council appoint Councilmember Lee Cooke to the Capital Area Planning Council, for a term coinciding with his term in office. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino
Noes: None

Mayor McClellan announced that next week they would make one appointment to the Urban Renewal Board of Directors, three appointments to the Building Standards Commission, three appointments to the Plumbing Board of Appeals, four appointments to the Capital Area Manpower Consortium Executive Committee, and eight appointments to the Citizens Board of Natural Resources and Environmental Quality.

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for the Special Meeting June 29, 1977 and Regular Meeting June 30, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

REQUEST FOR POWER HOOK-UP

MR. RONALD WATTINGER, Service Engineer, Wattinger Company, appeared before Council to request connection to power at Lake Travis for his lake home which is 300 feet from the power pole on West Beach Drive. His address is 7606 Robalo, in Eagle Ridge Subdivision. Last month he obtained a permit from the County to build his home and a permit from LCRA to put in a septic tank. He called for temporary power from the City and was told due to a 1927 law, Section 8, Article 974-A, he could not have power. He said the law was in effect in 1960 but was not enforced and has not been enforced until lately and, in his opinion, somewhat arbitrarily. On July 6, he said he received a call from the Planning Board informing him there might be some way his problem could be worked out in the framework of the law. Mr. Wattinger said that in the event something could not be done, he was asking by ordinance, petition, variance or an Attorney General's opinion, that Council grant him power to his lake house. He said that if Council could not grant him power, he was asking the City Attorney to give him a registered letter stating that as a citizen of Austin he had done all he could to get relief from his problem.

"What Mr. Wattinger is asking, per se, constitutes a violation of state law," stated Mr. Davidson, City Manager, "and we cannot provide the service as his lot currently exists. I did ask that the Planning Department staff contact him to see if we can assist in getting all the property owners in that area together to properly plat the land, including this gentleman's lot, so

that then we can legally extend the service. As I understand it there are about three options that need to be pursued along that line and the Planning staff intends to pursue it. It's my suggestion we attempt to do that on an immediate basis and see if we can't arrive at a method in about two weeks to suggest to Mr. Wattering. I would further suggest that the Council ask we bring this matter back in report fashion so you will know what has taken place and whether or not this gentleman might want to request anything additional from the Council."

Mr. Harris, City Attorney, defined Sec. 8, Art. 974-A as stating that until land is properly platted and the subdivision is approved by the Planning Commission, there is prohibition on any City official with serving that land with publicly owned utilities. He recommended, also, that they pursue the law, with the Planning Department, to see what can be done before any other steps are taken.

Councilmember Goodman moved that the Council instruct staff to proceed to find out what can be done. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino,
Mayor McClellan, Mayor Pro Tem Snell
Noes: None

WASTEWATER FOR SCENIC BROOK WEST SUBDIVISION

MR. JERRY D. ANGERMAN, owner, attorney in fact, for Scenic Brook West, appeared before Council to discuss wastewater approach main facilities for Scenic Brook West Subdivision. Mr. Angerman told the Council his subdivision is located at the intersection of Highway 290 and 71 west at Oak Hill. He said he had written a letter to the Council in which he requested that they work with him on some form of a modified wastewater approach main contract to solve some of the problems they have in the Williamson Creek watershed. At the present time, he said, they have a sewage treatment plant that serves the subdivision of Scenic Brook West. It has been operated and maintained by the City of Austin since approximately 1969. Mr. Angerman said he presently has a permit to increase the package plan an additional 115,000 gallons. In discussing this matter with the Water and Wastewater Department and the City staff, the recommendations have been that a modified agreement should be worked out starting in the Western Oaks subdivision which is approximately 11,800 feet from the existing plant. He asks that this be seriously considered. He thinks this would clean up a problem that exists in the Oak Hill area in some of the businesses and the school concerning wastewater. He is aware this will mean an additional amount of money for him and the subdivision to do this but his concern is for that area and his project.

Mayor McClellan asked for the staff's recommendation. Mr. Davidson said they recommend approval of the concept. He felt the matter should be sent to the Planning Commission for review before the Council considers it. Mr. Davidson said they felt this proposal would clean up, from an environmental standpoint, a number of problem areas that need to be provided with sanitary sewer service. He asked Mr. Curtis Johnson, Director, Water and Wastewater, to comment.

Mr. Johnson told the Council they are seeing the problem first because it does not fit the normal approved approach main policy that now exists, because this is an area outside the City limits. Mr. Johnson said that with staff recommendation of the project, Council would have three different directions it would take:

1. Yes, let's proceed.
2. No, we don't want to talk about it.
3. Refer it back to the Planning Commission for the process which all approach mains do go through.

Mr. Davidson reiterated Mr. Johnson's statements concerning the abnormality of the situation, but said he thought the Council could legally act on it and ask that the official documentation for approval be brought back for later approval; or, it can be sent to the Planning Commission on its way back to the Council for approval.

Councilmember Himmelblau referred to the two attachments they had concerning this issue and said one appeared to be more beneficial to the City than the other and asked Mr. Johnson if this was right. Mr. Johnson answered affirmatively and said that one attachment indicates cost sharing if the project was entirely inside the City limits. Under these conditions Mr. Angerman would have to absorb about \$131,000.00 of the total \$600,000.00 construction cost. With the figures for the second attachment, the subdivision would have to absorb approximately \$200,000.00. Mr. Davidson said the City is not in the position to annex the area and this is another reason why they recommend the proposal. Councilmember Goodman asked how long it would take the Planning Commission to review the proposal. Mr. Lillie, Director of Planning, said it would be the 26th before it could be on their agenda. After further discussion concerning the review by the Planning Commission, Mr. Angerman brought a time problem to the Council's attention...mainly, that a delay would put it into the rainy season and this would cause further delay. The existing plant, he said, is at capacity. He said he actually has bid the plant to be installed before discussing it further with Mr. Johnson, and it had been his recommendation for this pursuit because of time. Councilmember Cooke wondered if this could be on the Planning Commission's agenda next Tuesday and back for Council consideration by the 14th of July. Mr. Davidson, with Mr. Lillie's acknowledgement, said this could be done.

Councilmember Trevino moved that the Council refer wastewater approach main facilities for Scenic Brook West Subdivision back to the Planning Commission for their July 12, 1977, meeting, and then back on the Council Agenda July 14, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

REQUEST FOR A BANNER

Councilmember Trevino moved that the Council approve the request of Ms. Pam Clayton, President, Lanier Senior Class, for permission to have a banner hung at Payton Gin and West Driveway of Lanier Baptist Church from August 22, 1977, until November 21, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman
Noes: None

ZONING HEARINGS

Mayor McClellan announced that the Council would hear the zoning cases scheduled for 10:00 A.M. for Public Hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

WILLIAM J. JOSEPH By Arthur Pihlgren C14-77-038	2701 Martin L. King, Jr., Boulevard, also bounded by Walnut Avenue	From "LR" Local Retail 1st Height and Area District To "C" Commercial 1st Height and Area District NOT Recommended by the Planning Commission
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Applicant not present. Mr. Lillie stated that this case had been postponed from May 26, 1977, in order to allow the applicant to visit with the neighborhood association. Since that date, on June 14, 1977, the City has received a petition from owners in the area. The petition has been checked and it was found that 12% of the property owners within 200 feet did sign that petition, but it is not a valid petition. Mayor Pro Tem Snell said the people in the area had met and are not interested in a fence being constructed (as was suggested previously) and do not want the present business to move. What they do not want is "C" Commercial zoning. Councilmember Cooke recalled that in the May 26th hearing there was a recommendation to go "GR" General Retail with a protective covenant on the east and south. Councilmember Cooke said he had received the impression the owner was receptive to that and wondered if this could be done. Mayor Pro Tem Snell said he did not think the neighbors would be opposed to that.

Motion

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District with a restrictive covenant and requiring fences on the east and south. The motion was seconded by Councilmember Goodman.

MAGGIE DEMPSON, representing the homeowners in the vicinity, appeared before Council to say that they wanted the zoning to remain "LR", Local Retail, as they had stated before. She also said they were not opposed to Mr. Marshall maintaining his business there, because he in no way conflicted with the neighborhood. She maintained the homeowners were not the ones that complained, but they do not want it zoned "C" Commercial and open up the area to a lot of commercial development. Ms. Dempson went on to say that if he wanted to get a permit to continue operating there, that was all right with the homeowners. Mayor

McClellan informed her that is what "GR" General Retail zoning would do. Councilmember Cooke said he was under the impression that if the zoning remains "LR" Local Retail, then a vehicle repair shop cannot remain, but if it is zoned "GR" General Retail, it can. This, he said, would still have some protection for the neighborhood. Councilmember Goodman asked if it could be zoned "GR" General Retail with a restrictive covenant to roll back to "LR" Local Retail if the present use with the present owner is discontinued. Ms. Dempson said she had been told that could not be, but Mayor Pro Tem Snell assured her that it would revert to "LR" Local Retail with a restrictive covenant.

Friendly Amendment

Councilmember Goodman asked Councilmember Cooke if he would accept a friendly amendment to include a restrictive covenant to roll the "GR" General Retail zoning back to "LR" Local Retail if the present business by the present occupant is abandoned. Councilmember Cooke agreed.

MRS. ELLA HANDSBURG appeared before Council and said once Mr. Marshall has "GR" General Retail, then other people will want to come in under "GR". The neighborhood is already crowded with two churches, and the parking entailed with their services. Mayor Pro Tem Snell explained that Mr. Marshall cannot stay there under "LR" Local Retail. Councilmember Goodman explained again that "GR" would be with a restrictive covenant reverting back to "LR" if Mr. Marshall ever leaves the location. Ms. Handsburg said that as property owners they should be considered and they really didn't want it changed, but it was up to the Council to do what they wanted to do.

ARTHUR E. PIHLGREN, representing the applicant, appeared to say Mr. Joseph is willing to build a privacy fence on the south side of the tract and also on the east side, and is willing to let Mr. Marshall continue to operate his garage on the property.

LAWRENCE A. MARSHALL appeared to say he is the owner of the business in question. He said he would really appreciate being allowed to stay because for the past eight years everywhere he has opened a business he has had to move. He said he would like to stay in one place because he is not getting any younger and cannot continue to start over and over. If, he said, the business is not suitable to the neighborhood, he is amenable to suggestions. He just wants to stay.

ELOISE WATSON said she did not want her home to go...she did not want to move anymore..she is tired.

Councilmember Mullen wondered if the motion included the fences. He said the neighbors don't think they are necessary. Councilmember Himmelblau told the Council she had suggested that at the hearing on May 26, 1977, and she had also been interested in closing off Walnut. Mayor Pro Tem Snell said he thought this should stay part of the motion. He said this location is a block from his house, and the only thing the neighbors are interested in is allowing Mr. Marshall to stay there and operate his business, but as soon as he moved, it should revert back to the original zoning. Councilmember Mullen said the fences would be an expenditure for nothing if the neighbors really do not want them. Mayor Pro Tem Snell concurred.

Motion Amended

Councilmember Cooke asked then that the restriction of fences on the east and south be taken out of his motion.

Roll Call on Motion

Roll call on Councilmember Cooke's motion to grant "GR" General Retail, 1st Height and Area District, subject to a restrictive covenant to roll back to "LR" Local Retail, 1st Height and Area District, if the present business by the present occupant is abandoned, showed the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Abstain: Mayor Pro Tem Snell

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

KINGSTIP COMMUNI-
CATIONS, INC.
By Donald Bird
CL4-77-005

1904 Pearl Street

From "B" Residence
2nd Height and Area
To "O" Office
2nd Height and Area
NOT Recommended (amended area)
by the Planning Commission

Mayor McClellan told the Council that they have a valid petition on this request, signed by over 20% of the property owners. Mr. Lillie stated this petition had been before the Council and postponed on several occasions. He said that Mr. Tom Curtis was representing the owner and was present to speak to this petition.

MR. TOM CURTIS, representing the applicant, explained the "NOT Recommended" notation on the agenda by saying this case was heard by the Planning Commission twice. There were eight of the nine members present at both hearings. At that time, Mr. Curtis stated, the application was filed for the westernmost 45 feet of the tract, and the proposed use is for parking for employees of KTVV, that owns the adjacent tract immediately to the west. Based on the most recent ruling from the Planning Commission, he said no one wants the whole lot zoned "O". There has been a tie vote at both meetings over the "O" zoning on the whole lot. So, he said, what they are asking for basically is 45 feet adjacent to their existing property for excess parking. Mr. Curtis pointed out that with their current status of "B" Residence, 2nd Height and Area District zoning, they could put about nine units on the property and if they were one-bedroom units, they would be required to put in 14 parking spaces, which is more than KTVV is asking for. Councilmember Goodman asked Mr. Curtis if it was all right to zone the westernmost 45 feet "O" Office. Mr. Curtis replied it was. Mr. Goodman asked if he would object to a restrictive covenant to revert it back to "B" Residence, if it was ever used for anything but a parking lot. Mr. Curtis said there would be no objection, and thought it should go further by saying the parking area should not have access to Pearl Street. That way there would not be a threat of an intrusion into the neighborhood.

Councilmember Goodman moved that the Council grant "O" Office, 2nd Height and Area District, on the most western 45 feet with a restrictive covenant to revert to "B" Residence, 2nd Height and Area District if Kingstip ever ceases to use it for anything but a parking lot, and there shall be no access to Pearl Street. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem
Snell, Councilmembers Cooke, Goodman, Mullen
Noes: None
Abstain: Councilmember Himmelblau

The Mayor announced that the change had been granted to "O" Office, 2nd Height and Area District on the most western 45 feet, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
By Planning
Department
C14-77-018

Property bounded by
Ben White Boulevard,
Burleson Road and a
line approximately
2,500 feet west of and
parallel to Montopolis
Drive

From Interim "AA" Residence
1st Height and Area
To "D" Industrial
1st Height and Area
NOT Recommended by the Plan-
ning Commission (as amended)
RECOMMENDED (as amended) "D"
on the Oil Company Bulk Plant
area and "DL" Light Industrial

on the remainder subject to subdivision where required and dedication of thirty (30) feet of right-of-way on the east side of Pleasant Valley Road, five (5) feet on the east side of Chapman Road and 20 feet on the north side of Burleson Road. ACI, Inc. is willing to dedicate 10 feet of right-of-way on Burleson Road rather than the recommended 20 feet.

Mr. Lillie reminded the Council he had informed them last week this area was outside the City limits and has been annexed, and is an area designated Industrial in the City's comprehensive plan. In such areas the Planning Department initiates zoning activity when there are a number of property owners involved to eliminate the possibility of numerous separate zoning applications coming to the Council. There is no problem with the zoning, the primary question is the right-of-way that is required. In industrial areas the zoning requires 80 feet of right-of-way. He indicated on a map which right-of-way has been dedicated in conformance with City ordinance requirements. He told the Council that at their request he had contacted representatives of the Missouri-Pacific Railroad in Houston with respect to right-of-way on Burleson. Mr. Knox, Assistant to General Manager, Missouri-Pacific, indicated that without first-hand knowledge he felt the right-of-way of the railroad in that area was minimum in that they require at least 100 feet for safety and clearance.

Mr. Knox told Mr. Lillie that he could not give any information over the phone whether or not the railroad could dedicate any right-of-way for street purposes. He told Mr. Lillie that if the City wanted an official response they should request information from the General Manager, Mr. Graham, in the Houston office. Mr. Lillie said the Planning Department has prepared several options for the Council to consider:

1. Not to require any additional right-of-way at all.
2. Accept what has been agreed to by ACI on Chapman and Burleson.
3. Require that the streets be brought up to ordinance requirements; 15 feet on Chapman and 20 feet on Burleson.
4. Require ordinance standards on Chapman, 10' from the property owners on Burleson and make a formal request to the Missouri-Pacific Railroad for the additional 10' on the south side.

Councilmember Cooke asked if it was true, if the Council doesn't ask for the 20 feet from ACI, then they should give the same consideration to the other property owners? Mr. Lillie affirmed this assumption. Mr. Lillie said they attempt whenever possible, when right-of-way is required on a street, to have the property owners on both sides participate in the dedication. Here, the Burleson road area is a problem because it is adjacent to a railroad right-of-way. Mr. Davidson, City Manager, pointed out that not only would this create a problem with those who have already dedicated the right-of-way but it also could represent a problem in connection with a City-wide policy that has been utilized for many years where the Council and Planning Commission has always required a right-of-way dedication in order to bring them up to standard.

MR. BOB KUHN, representing ACI, appeared before Council to say their objection to giving 15 feet on Chapman is that it is not needed. He said, however, that their main objection is that they would be required to give 20 feet on Burleson Road simply because there is a railroad on the other side. He thinks the City should either get the land from the railroad or buy it from ACI. He said he meant by buying that the City not give them money but give them credit on future taxes, or whatever might be needed for the development of that property. Mr. Davidson told Mr. Kuhn that wasn't possible. He also told him that if ACI incurs any parking problems the City has a solution, when and if the difficulty appears.

Councilmember Cooke indicated to Mr. Kuhn that it was his understanding that the reason the railroad was not willing to give part of its right-of-way is because it would create a safety problem for them, or the citizens that would use the road. He continued that this is not in writing, and it will delay things to wait for it in writing, but this is the implication the railroad has made. Mr. Kuhn said perhaps it will not be possible to get the land from the railroad, but ACI's position is that if a street is going to be widened, it is not fair for one land owner to give twice the amount when the other land owner is a railroad.

Councilmember Mullen said he hated to make a decision until they were sure they would not get any property from the railroad. Mr. Davidson told his views. First of all, he said, the railroad is under no obligation to give the land to the City even if they could spare it. The initial indication is that

the railroad cannot spare the land because of the safety problems and their need of that right-of-way for maintenance. Mr. Davidson said the City's experience with this sort of a situation is that it would take months and months to get a decision, and he did not think the decision would be favorable. He said they did intend to pursue it, however.

Councilmember Trevino said he did not think it was fair to jeopardize local property owners just because the other owner is a railroad. Councilmember Cooke asked if there has been any precedence to this type of situation, that is, where one owner is required to give twice as much as the other owner.

Mr. Davidson said he wanted Mr. Lillie to answer the question, but wanted to present a point. If the City had an applicant adjacent to a railroad or a City-owned, or State-owned waterway, and street was required...if the Master Plan called for a 70-foot street through there and the abutting property owner on one side intended to open up an industrial area, we could and would require the full dedication of the entire 70 feet, not just have an additional 40 feet, but the entire street right-of-way, up to a certain width. He said the City can require up to 90 feet of right-of-way for street purposes if that street is required in connection with the proposed development. The City did not propose all the development for industrial purposes in this area and what the ordinance is intended to say is if the property owners intend to use it for this purpose, here is the kind of street that's required and you have to dedicate the right-of-way whether it is a full 70 feet, a full 90 feet or the additional 20 feet that it takes to make up the full standard. The railroad in this particular case, is not developing it. If they were, we could require half of it from them. Mr. Davidson said he felt it was academic to talk about something when they (the railroad) do not even have an application in process.

Mr. Lillie, in answer to Councilmember Cooke's question, said he thought the Council, on every occasion, has required the right-of-way. When the street is ready for improvement and the right-of-way has not been required either through re-zoning or subdivision, it is at that point the City steps in and requires the remaining right-of-way.

Mr. Lillie repeated the four options mentioned earlier. Councilmember Himmelblau said she felt the Council should abide by their subdivision ordinance that has been in effect for years.

Motion

Councilmember Himmelblau moved that the Council grant the zoning subject to the dedication of the required right-of-way, 15 feet on Chapman and 20 feet on Burleson. The motion, seconded by Councilmember Cooke, failed to carry by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau
Noes: Mayor Pro Tem Snell, Councilmembers Mullen, Trevino
Not in Council Chamber when roll was called: Councilmember Goodman

Since the motion did not pass, Mayor McClellan asked if there was another motion someone wanted to make.

Motion - Died for Lack of a Second

Councilmember Trevino moved they accept the offer proposed by the applicant, 10 feet instead of 20 feet on Burleson and 5 feet on the east side of Chapman, and instruct the staff to contact the railroad to see if they will provide additional right-of-way as required. There was no second to the motion.

Mr. Lillie told the Council he hoped they had understood that the area should be required to meet the ordinance.

Motion

Councilmember Himmelblau made a motion that no zoning be granted at this time. Councilmember Goodman seconded the motion.

Councilmember Goodman asked if even it would take a couple of months, they should ask the Railroad Commission to consider it as quickly as possible, and find out what is going to happen to that piece of the puzzle before they vote.

Councilmember Trevino wanted to know what the applicant thought. Mr. Kuhn said they would be opposed to that because they have a building that is started and it cannot be finished until some kind of zoning change is made. Therefore, he requested Council to make some sort of a decision one way or the other.

Councilmember Mullen wondered how much it would cost the City if they purchased 10 feet. Mr. Lillie said there was no estimate. Councilmember Himmelblau stated that if the City went into this, the Council would be opening up a whole new situation that the City has never been faced with. Councilmember Cooke said he supported Councilmember Himmelblau, because they would be setting a dangerous precedent. Councilmember Trevino said again, why not ask the railroad instead of always penalizing the citizens.

Mr. Davidson said they had asked the railroads that question. In most cases the railroads were there long before the property owners owned the property and long before any development took place. In digging back into the law, as far as being able to cross railroads with streets or anything else, they have the upper hand, and probably should have. I want to pose another situation here, because the Council is dealing with a very important precedent setting matter. In some parts of the country this kind of a short cut for the property owner is not taken. The applicant comes in and requests industrial zoning and the Planning Commission and Council say no, because the street is substandard for industrial purposes and they turn the application down. So the applicant goes back and starts working with the other property owners and comes back later and says, I've got all the property owners in this area to agree to dedicate enough right-of-way to make it an industrial street if you will just grant us the zoning. Then the Council and Planning Commission grant the zoning since the street is then standard. What the City of Austin has done, by ordinance Mr. Davidson pointed out, is set up a short cut so that if in fact the adequate right-of-way will be provided by the applicant as they come before the subdivision and the zoning process, then the application for industrial zoning can be approved. As a matter of fact, he continued, this applicant came to my office and asked for special consideration on timing to get before the Planning

Commission and to get to the City Council in order to expedite this particular case. This whole process started as a convenience to the applicant to keep them from having to keep returning to the Planning Commission and the City Council over and over again to bargain over rights-of-ways. This is not something that started with the last Council, Mr. Davidson said, or with the last Planning Commission. It's been done for many years. There is no way we can say the railroad is responsible for this problem because they did not decree the desire of the land owner to build the building.

Second to the Motion Withdrawn

Councilmember Goodman withdrew his second to the last motion and said he wanted to hear what the motion was that was made while he was out of the room.

Motion

Councilmember Himmelblau moved that the Council grant "D" Industrial, 1st Height and Area District on the Oil Company Bulk Plant area and "DL" Light Industrial on remainder, 1st Height and Area District, subject to subdivision where required and dedication of 30 feet of right-of-way on the east side of Pleasant Valley Road, 15 feet on the east side of Chapman Road and 20 feet on the north side of Burleson Road. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor McClellan,
Councilmember Cooke
Noes: Councilmembers Mullen, Trevino, Mayor Pro Tem Snell

The Mayor announced that the change had been granted to "D" Industrial, 1st Height and Area District on the Oil Company Bulk Plant area and "DL" Light Industrial on remainder, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

PUBLIC HEARING ON CENTRAL BUSINESS
DISTRICT PARKING PROPOSAL

Mayor McClellan opened the public hearing scheduled for 10:30 A.M. by stating that Mr. Bill Nolan and Mr. Bill Moore were co-Chairmen of the Task Force which studied the proposal and that Mr. Nolan was the spokesman for the group.

Mr. Nolan stated that the Task Force was created to study parking conditions in the central business district, particularly the delivery of goods and services in the area. The Task Force included representatives from the Urban Transportation and the Citizens' Traffic Safety Commissions as well as representatives of delivery, retail businesses, office buildings and residential interests. Mr. Nolan stated that the Task Force reviewed the present City parking ordinances and current practices as well as parking experiences in other cities. Public hearings were conducted to receive suggestions for improving parking conditions as well as comments regarding specific proposals.

Mr. Nolan indicated that the Task Force's report that was submitted to the Council addressed short range improvements and long term measures needed to solve the parking problem in the central business area. Some of the short range improvements in the report were as follows:

1. The development of a municipal parking policy to insure coordinated efforts in addressing parking activities in the central area.
2. The establishment of more effective parking zones by clearly identifying general parking, freight loading and passenger loading areas and by providing long-term parking meter zones.
3. Development of methods to improve compliance with parking regulations by a public education program, increased fines for certain parking meter violations and more efficient enforcement measures.
4. Improvement of traffic circulation in the central area through design improvements for drive-in banks. The Task Force suggested staggered pay-roll days for large employers and direct pay-roll deposits by major employers.
5. Dual turns at major intersections.

The Task Force also recommended some long term measures which are as follows:

1. The establishment of adequate off-street parking requirements associated with building construction and the option for a financial contribution to a special parking fund as an alternative to constructing on-site parking facilities.
2. The provision for useable on-site loading docks for major office buildings.
3. The establishment of a municipal parking program consisting of a municipal parking plan and a special user parking fund to finance the construction of off-street parking facilities.

A preliminary financial analysis indicates that the short range improvements would have an initial, one-time cost of \$265,000; however, the net annual income to the City would be nearly \$350,000. The programs will have a positive financial impact for the City. Mr. Nolan stated that the program has been endorsed by the Urban Transportation Commission and the Citizens' Traffic Safety Commission.

Mr. Nolan requested that the City Council approve, in principle, the recommendations submitted in the report and direct the staff to prepare specific resolutions and ordinances for future consideration.

Councilmember Cooke asked Mr. Nolan what solution there would be to the parking problems of people who work in the central business district all day long who would be forced to move off of the long-term meters. Mr. Nolan indicated that the Task Force felt that persons who engaged in long-term

parking defeated the purpose of parking in the central area because parking facilities in the area are designed for short-term parking only. Mr. Nolan pointed out that a solution to the problem would be longer term parking on the edge of the central area. Mr. Joe Ternus, Director of the Urban Transportation Department, stated that they had conducted surveys that identified parking spaces as well as parking demands. He indicated that there were a sufficient number of parking spaces in the central area but that they were in the wrong locations and were being abused. Mr. Ternus pointed out that Austin has an unusual parking demand for a city of its size because of the fact that it is a State Capitol. This situation is pronounced on the north side of the Capitol building because of the University of Texas. Councilmember Cooke stated that he was mostly concerned with the persons who worked in the central area who should be given a viable alternative to parking in the central area. Mr. Ternus indicated that these were the persons they were most concerned with. He indicated that the program would be a phased development. As the City expands its meter system, more revenue would be generated that could be used to complete off street parking spaces.

MR. BILL MOORE, co-Chairman of the Task Force and Chairman of the Urban Transportation Commission, spoke before the Council. Mr. Moore outlined the following recommendations made by the Commission:

1. There should be a priority of parking enforcement in that there were certain kinds of parking zones that needed to be emphasized.
2. They did not feel that the recommendation to remove all buses from Congress Avenue was a wise one.
3. They did not feel that the City should involve itself with the construction of major parking garages in the downtown area. This should be left to the private sector.
4. There should be a provision for adequate and secure bicycle parking facilities.

Mr. Moore concluded by stating that the Urban Transportation Commission unanimously recommended implementation of the Task Force report and directing the staff to prepare the necessary ordinances and resolutions.

MR. TOM CURTIS, representing the Capital National Bank, spoke before the Council. Mr. Curtis felt that it would be appropriate if a person who was required to meet parking requirements in the central area, was allowed to pay some money and build the parking space somewhere else where there was more room. He thought that the cost of building on-site parking areas in the central business district would be unreasonable for some persons. Mr. Curtis hoped that the Council would not take any final action until some appropriate things could be added to the proposal. Mr. Ternus stated that the concerns expressed by Mr. Curtis were addressed in the Task Force report. He indicated that the Planning Department and other related City departments were involved with the report.

Motion

Councilmember Trevino made the following statement and motion:

"Improving the traffic and parking in the downtown area is a crucial step in promoting inward growth and in preserving our commercial, cultural and residential life in the City. Therefore, I move that, as soon as possible; staff bring back the appropriate resolutions, ordinances and Code changes to put into effect the short-range implementation strategy of this report. Fiscal impact statements should also be prepared to cover these proposals. Likewise, I would like to have a detailed staff report, reviewed upon completion by the Task Force and other appropriate bodies on the time tables necessary to implement the report's long range strategy. I consider this to be a top priority matter and hope that the Council will support this request. Also to close the public hearing."

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman
Noes: None

PUBLIC HEARING ON THE UTILIZATION OF FEDERAL
GENERAL REVENUE SHARING FUNDS FOR FY 1977-78

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. by stating that the City will receive about \$5,621,740.00 in general revenue sharing money which is about \$1.5 million more than FY 1976-77.

MR. JORGE CARRASCO, Capital Budget Officer, told the Council that the Federal guidelines on revenue sharing have changed as a result of an amendment to the Act that has established the general revenue sharing program. Mr. Carrasco reviewed some of the highlights of the guideline changes:

1. A requirement stipulating that a hearing shall be held on proposed uses of revenue sharing funds, the purpose being, to give citizens the opportunity to comment on proposals for the use of the revenue sharing money. In addition to this hearing, there will be a subsequent hearing as a part of the budget process that will also present citizens with another opportunity to comment on proposed uses of revenue sharing money.
2. The new legislation makes the permitted uses of revenue sharing money much less restrictive. In addition to the elimination of apriority areas of revenue sharing expenditures, the new program allows the funds to be used for local match requirements. Therefore, if any other Federal program requires a local match of funds, the Federal revenue sharing funds could be used to meet this requirement. Mr. Carrasco indicated that this provision was similar to the previous Model Cities Program.

Councilmember Trevino asked if the matching characteristic of Federal revenue sharing money accounted for the increased use of revenue sharing funds in the City operating budget. Mr. Carrasco indicated that there was a premium in the investment of revenue sharing money in capital projects because that type of investment represented a one-time investment whereas investing revenue sharing funds on operating programs generated a dependency on Federal funds that is unstable and could mean long term problems. Mr. Carrasco pointed out that in more recent times, due to changes in the economy, Federal revenue sharing funds have been relied upon for operating programs. Councilmember Cooke stated that this sets a dangerous fiscal precedent. Councilmember Trevino questioned what would be done when the City finally ran out of revenue sharing funds. City Manager Dan Davidson stated that in the short term the Council would have two choices. One would be to increase the tax rate to make up the difference and the other would be to eliminate the programs funded by revenue sharing money. Mr. Carrasco indicated that staff did not currently have any recommendations for the use of the revenue sharing money but that recommendations would be forthcoming as the capital program and the operating budget are both developed. Mr. Davidson indicated that he had passed out to the Council a statement of how the current entitlement was used by the Council.

MS. BARBARA CILLEY, 1114 Mariposa Street, spoke before the Council. Ms. Cilley indicated that she was interested in how much money could be given to social contract agencies. She stated that the money allocated to social agencies was cut last year by \$.6 million from the year before and requested that the allocation not be cut again this year. She pointed out that she preferred to see revenue sharing funds used as seed money to get social service projects started in Austin. Councilmember Trevino stated that the previous Council did not cut social service funding last year but in fact raised it by \$.1 million. Councilmember Trevino indicated that the Council was going to have to decide what value it placed on human services and, if available funding is reduced, what programs would have to be eliminated. Ms. Cilley urged the Council to not use Federal revenue sharing money for operating purposes as this was an unsound fiscal policy.

MR. LONNIE BELL, Vice-Chairman of the Information Referral Board, spoke before the Council. He stated that more programs were needed for the senior citizens. Mr. Bell also stated that more jobs were needed for the elderly. Mr. Davidson pointed out that an item was on the agenda for that day that would provide some 60 part-time jobs for senior citizens and that another item was on the Council agenda for next week that would provide \$98,000 in Federal funds to help senior citizens accommodate utility bills.

MR. DURWOOD BELL, 1704 Dearfield, spoke before the Council. Mr. Bell pointed out that last year 67% of the City operating budget went towards municipal functions whereas only 12% of the budget went towards social service programs. Mr. Bell suggested a more equitable distribution of funds from the Federal government.

After some Council discussion, Councilmember Goodman moved that the Council close the public hearing. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor
Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

After the motion, the Council discussed the fact of holding another public hearing at a later date.

The Council recessed at 12:49 p.m.

AFTERNOON SESSION

HEALTH CARE SYSTEMS

The Council considered a resolution authorizing the extension of the contract with Peat, Marwick & Mitchell for Phase 2a of the Study on Hospital and Health Care Systems.

Mr. Homer Reed, Deputy City Manager, stated that the Council had authorized the entire contract in March of this year but that this was done without knowing what the total price would be. When the total cost of the contract was known, it was decided to break the contract into two segments. This was designed to give the new Council a chance to look at the contract at the mid-point so a determination could be made to either continue with the contract or consider some other course of action. Mr. Reed stated that the City was now at this mid-point and that the staff recommended proceeding with the contract. Mr. Reed called upon Dr. Milton Talbot, Chairman of the Study's Steering Committee, to speak before the Council.

Dr. Talbot indicated that the committee was concerned that the recommendations from at least two of the study teams have not yet been formulated. It is hoped that the next two to three weeks will be sufficient to get, at least, a preliminary basis on which to see where the study stands. Dr. Talbot stated that most of the people on the study team feel that the alternative to not continue the study is more disastrous than going ahead with it. Dr. Talbot indicated that he had no basis by which to make an economic determination of the study.

Mayor McClellan stated that she was confused about what has been accomplished to date by the study teams. The Mayor indicated that she wanted a week-to-week break down of what the cost of the study would be. She also stated that she wanted an operational study done of Brackenridge Hospital from 1970 until now. Councilmember Cooke asked Dr. Talbot if his recommendation was to extend the study until all the study teams had completed their work. Dr. Talbot pointed out that the recommendation was to complete the work of the study teams and integrate those concepts for a final recommendation to come up before the Council before the annual budget reviews. Mayor McClellan asked if the consultant's recommendations would be completed by October. Dr. Talbot indicated that if the study team is not constituted and meeting on a weekly basis or charged with developing all of the details of the system, he did not think the recommendations could be completed by October. He felt that there

would have to be a great deal of staff work done from now on in order to complete the study. He pointed out that the consultants were reluctant to continue the study until the City had defined the guidelines and parameters of what was to be done. Dr. Talbot hoped that within two months the study could be implemented as a program. The Mayor asked if the study could be completed by the staff. City Manager Dan Davidson indicated that it could but that it would take longer and would assign people away from other priorities that the Council has already elaborated on or will during the budget hearings. Dr. Talbot added that if the study is not carried as it is now going, a lot of momentum would be lost. Dr. Talbot indicated that he was confident that a solution would come from the study.

Mayor McClellan stated that there had been some concern that the cost for the study was coming out of the Brackenridge Hospital budget. Mr. Davidson stated that the cost for the study could be reflected elsewhere. Mr. Reed indicated that it would be a fair thing to do to charge a portion of the cost to the Health Department. He indicated that the Hospital was the only place where there were adequate funds for the study and the cost was currently paid out of the Hospital budget. He stated that in a subsequent appropriation ordinance or a year end adjustment ordinance, the cost could be reflected in another account, subject to Council approval. Mayor McClellan asked Mr. Reed what the estimate of the weekly cost of the study would be. Mr. Reed stated that the study was running at the rate of \$5000 to \$6000 per week. Mr. Reed indicated that a report would come to the Council within two weeks at which time the Council could decide whether to continue the study or not. MR. CONRAD MAYGERS, a consultant with Peat, Marwick, Mitchell & Company indicated that they would have no trouble with this time table.

Councilmember Goodman asked Mr. Maygers what the City has received for the \$85,000 it has paid out over the last several months for the study. Mr. Maygers stated that the initial study of \$14,500 was a diagnostic study to identify and document problems and concerns relative to public financed health care delivery systems for Austin. This was an overview with the development of a plan for approaching those concerns and problems therein. The second part of the work was initially conceived as a continuum rather than a break point. However, a number of study teams were initiated and charged with the following:

- A. Team Number 1: Identifying the role and responsibility of the City in providing health care for its citizens.
- B. Team Number 2: Identifying, developing, or revising the criteria for determining whether an individual of the community was eligible for assistance in health care.
- C. Team Number 3: Developing a procedural approach to assure that there was an effective mechanism to respond to and to process applications to make sure that all persons are treated equally and fairly under controlled conditions in the process of being declared eligible.

- D. Team Number 4: Designed to respond to a change in the health care delivery system as they effect some of the major direct service components which are publicly financed. This includes clinic operations of the Health Department and the operation of Brackenridge Hospital. An additional charge to this team was that while developing a system for the delivery services, to identify an over all of organizational structure that would respond to the effective operation of the delivery system.
- E. Team Number 5: To identify the specifics of the organizational structure. What precise form should the structure take; i.e., a district, a private corporation, a public corporation or should it continue as it is. This team was also charged with identifying and reviewing alternatives to assure the effective use of City dollars in financing programs for the indigent.

Mr. Maygers stated that Team 1, 2 and 3 had completed their work and submitted recommendations to coordinating Team Number 1. Teams 4 and 5 completed their work as of July 5, 1977, and their recommendations were in the process of being forwarded to study Team 1 for review. Mr. Maygers pointed out that his firm has been acting as technical advisors, as staff assistants and coordinators of the project. They have been working with each of the study teams, attending each meeting and coordinating their efforts. Mayor McClellan asked Mr. Maygers if a log had been kept of the number of hours that his company has put into the project. Mr. Maygers indicated that one could be submitted if any questions arose.

MR. JACK NEWMAN, a consultant with Peat, Marwich, Mitchell & Co., stated that essentially what they have done is to coordinate the work of the study teams. He stated that there have been 90 people involved in five weekly sessions to try and identify what the City health system problems are and solutions to the problems. He indicated that he and Mr. Maygers have been involved in initiating activities for the study teams, listening to activities, scheduling meetings, attending the meetins, and coordinating the staff work.

Councilmember Goodman pointed out that City Manager Davidson stated that the study could be conducted by City staff and that Peat, Marwich, Mitchell & Co. would be using an increased number of City staff to complete the study. He questioned if the consulting firm would be using more and more of their own people and less of the City staff. Mr. Maygers stated that it would be a continuation of what they have been doing in the role of using as many local people as possible to provide support. He indicated that the main responsibility of direction, details and coordination would be upon the consulting firm.

Mr. Davidson stated that he did not see any confusion as to what the consulting firm provided and what the City staff was able to provide. He felt that the City did not have that kind of expertise or available staff. Councilmember Goodman asked Mr. Davidson if he had any idea of the cost the study would entail and Mr. Davidson replied that he had not. Mr. Davidson felt that the study was needed and recommended continuing with the program. Councilmember Himmelblau indicated that she was also pleased with the results she has seen come out of the study.

Mayor McClellan stated that she wanted to be provided with a report or recommendations since 1970 that pertain to the organization of Brackenridge Hospital. Mr. Davidson stated that the material would be compiled and provided to the Council. Mr. Davidson felt that the problem needed to be acted upon and could not wait another 6 or 12 months. He indicated that he and Mr. Reed would continue to evaluate the service to make sure that the City does not pay for more than it gets.

Councilmember Goodman stated that the Medical Education Program at Brackenridge Hospital cost the City \$1.5 million per year. He asked if this was part of the study. Mr. Maygers stated that he and three members of the study Team 5 spent from 8:45 p.m. to 12:45 a.m. that morning reviewing with CTMF, the Medical Education Program, to make sure that they were included and that everybody has a full understanding of their involvement in it. He indicated that Team 5 wanted more data of this and that they were in the process of gathering the data and submitting it to them. Councilmember Goodman asked if there were any persons on the study teams who could be considered users of Brackenridge Hospital. Mr. Reed indicated that there was one person on Team 3 who was a consumer representative.

MR. DAVID WARNER, Brackenridge Hospital Board member, member of study Team 2 and member of the advisory group of study Team 4, spoke before the Council. Mr. Warner felt that it would be wise for the Council to not approve Phase 2 of the study until the results were in from Phase 1. He felt that the projected cost of the new eligibility system was closer to \$28 million rather than \$18 million.

DR. FRED HANSEN, Brackenridge Hospital Board member, felt that the consultants had conducted the study in a fair and reasonable manner and that the study teams have prolonged the time of the preliminary recommendations. He felt that the City would eventually have a cost effective, governmentally effective health system once the study was completed.

Motion

Councilmember Cooke moved that the Council adopt a resolution to fund the health care study an additional two weeks, awaiting a report from the consultants as to whether to proceed with the study or not. Councilmember Mullen seconded the motion.

Councilmember Goodman questioned what would happen to the rest of the project if the Council decided not to fund the study for the two-week period. Mr. Maygers stated that the Council would get a final report because the final report was currently ready for typing. Mr. Reed stated that the contract provided for an interim report and that the City would get a final report.

Dr. Talbot told the Council that the Hospital and clinics are duplicative, poorly organized, inadequate and don't render good care. They are fragmented and are unfair to the people who attend them. He did not feel that any cost should allow the City to deter away from proceeding with something for a segment of the population that desperately needed it. He stated that the study was the only thing that has the hope of success to improve Austin's health system.

Roll Call on Motion

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell
Councilmembers Cooke, Himmelblau, Mullen
Noes: Councilmember Goodman

VENDOR'S MARKET

RUSTY KORMAN appeared to discuss opening the 23rd Street Renaissance Market to all vendors. He represented Vendors for an Open Market. At the present time, the ordinance does not allow him to sell there, he said. In his opinion, he thought the ordinance should be re-examined. He said the market is dying and there is no real selection of goods. According to a poll run this week there are only 5 or 6 vendors a day and he thinks the space is not being used as it should be. Mr. Korman also feels the Vending Commission is not doing their job properly. He asked that the City Council set a public hearing to look into the operation of the Vendors Market.

Councilmember Cooke asked Mr. Korman to explain how the Vending Commission has not worked. One example, he replied, is an item concerning the making of strung jewelry as set forth in the guidelines. One of the rulings concerning chains, he said, states that chains imported from Italy may be used only as a means of suspending jewelry if the chain is no more than one-fourth the value of the total piece. Yet, one cannot construct a chain by hand to use for the jewelry. Recently, Mr. Korman said, a bunch of stringers were asked to leave the market. He said he has the support of several licensed craftsmen who sell at the market, and he would like to see it opened up to importers again.

Motion

Councilmember Mullen moved that the Council hold a public hearing on August 4, 1977, at 10:30 a.m. The motion was seconded by Councilmember Goodman.

Mayor Pro Tem Snell said he hated to see a public hearing called without checking with the Commission. He felt they needed more input. Councilmember Mullen said he felt the time until the public hearing would give them opportunity to converse with the Vending Commission and with the vendors. The Mayor suggested they take all the information given today to the Vending Commission so that all information is assimilated by the time of the public hearing. Councilmember Himmelblau said they had been through all of this with the vendors and really did not want to bring it up again.

Roll Call

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mullen,
Trevino
Noes: Mayor Pro Tem Snell, Councilmember Himmelblau

PUBLIC HEARING ON HILL COUNTRY AMBULANCE SERVICE
APPLICATION FOR AMBULANCE TRANSFER FRANCHISE

Mayor McClellan opened the public hearing scheduled for 11:30 a.m. by stating that the hearing would be postponed until later that afternoon around 3:00 p.m. The Council did listen to one individual that morning.

MRS. JOANNA CORNELL, a member of the Urban Transportation Commission, spoke before the Council. Ms. Cornell had voted not to deny the franchise permit to the Hill Country Ambulance Service. She felt that there was abundant evidence for granting the permit and that public convenience and necessity would be served by granting the permit. She indicated that the thrust of the opposition to granting the permit was centered around the fact that there was no such thing as a non-emergency transfer, which she did not agree with, and that the City Emergency Medical Service (EMS) was better equipped for handling emergencies. She stated, however, that the one transfer vehicle operated by the EMS was not as well-equipped or staffed as the Hill Country Ambulance Service. Ms. Cornell pointed out that she could think of no justifiable reason for denying the company a franchise permit.

Later in the afternoon, City Attorney Jerry Harris indicated that the ambulance franchise application pertained to Chapter 34 of The Austin City Code, entitled "Vehicles for Hire." Mr. Harris pointed out that this chapter applied to both emergency vehicles and transfer vehicles only. He stated that the issue to be decided by the Council was whether the public convenience and necessity would be served by the granting of the ambulance franchise. He pointed out that the burden was upon the applicant to present evidence that the public convenience and necessity would be served by the granting of the franchise permit. Mr. Harris stated that the City Code specified the following things as criteria for the granting of a franchise permit:

1. A determination as to whether there was a need for additional transfer service.
2. Whether the applicant could meet the need.
3. Whether the granting of an additional franchise affects the existing transfer ambulances in Austin in such a way as to lower any existing standards.

Mr. Harris indicated that once the hearing is closed, the Council would have to make a decision within 15 days as to whether or not the application is approved. If the Council did decide to grant the application, there would be a time period in which a franchise ordinance would be drafted and thereby read through three separate readings.

MR. THOMAS PRICHARD, attorney representing the Hill Country Ambulance Service, spoke before the Council. Mr. Prichard presented the City Clerk, Grace Monroe, with an exhibit of evidence supporting the franchise application previously filed with the Clerk's Office. Mr. Prichard requested that this material be considered by the Council in addition to the application. He indicated that Austin was the only city which operated its own non-emergency transfer service. Mr. Prichard stated that the City EMS will not transfer any patient outside of the City of Austin; therefore, the service is not accessible to everyone. Mr. Prichard pointed out that the requirement of

reserving the EMS transfer service 24 hours in advance was an inconvenience to people. He also pointed out that only one EMS unit is designated as a non-emergency transfer vehicle. Mr. Prichard stated that it had been suggested that the Hill Country Ambulances would not be as well-equipped as the Austin EMS but that he did not think this was a valid argument. He felt that citizens should have a choice as to which ambulance service they preferred to use. Mr. Prichard indicated that the private sector could come in and supplement the City service. He asked the Council to consider a night session so he could bring other people in to testify at the hearing.

MR. JOE TERNUS, Director of the Urban Transportation Department, introduced Mr. Bill Lever, Director of EMS, who spoke before the Council. Mr. Lever indicated that EMS had one unit designated for non-emergency transfers. He stated that due to population growth and annexation, the unit operates 7 days a week, 24 hours a day. The unit, at the present time, lacks only the telemetry radio. The only difference between this unit and the regular emergency units is that the non-emergency unit cannot send a heart wave (ECG) to the hospital. Mr. Lever pointed out that the peak transfer times were during the week and that they handled 3 to 6 transfers during Saturday or Sunday. Councilmember Goodman asked Mr. Lever how many calls were being made to a newly annexed nursing home. Mr. Lever estimated that they answered 2 calls per day during the week to the Northwest Mediplex Center.

MR. PHILLIP PERRY asked if there was another service that transferred persons out of town. Mr. Lever indicated that the Capital Ambulance Service did this kind of work,

MR. MILTON MATTHEWS, local nursing home owner, stated that he would like to see another service come into operation that could render non-emergency transfers for persons in hospitals so as to eliminate long waiting periods for patients. Mr. Matthews told the Council of a 99-year-old patient that was sent to the hospital and was told that she would be discharged at 12:00 noon. The transfer service told her that they could not be there until 5:00 that evening. Councilmember Goodman asked Mr. Lever about the response times of the EMS units. Mr. Lever stated that a report was submitted for the month of May which showed that out of 294 calls for the month, there were seven calls where patients had to wait from one hour and seven minutes up to one hour and thirty-three minutes.

MS. JANE HONEYMAN, Director of Nursing at a local nursing home, spoke before the Council. Ms. Honeyman cited a case where a patient was scheduled to be transferred at about 11:30-12:00 to another nursing home and the transfer vehicle did not show up until 5:00 p.m. that evening. Councilmember Cooke asked Ms. Honeyman what the longest time they had to wait for transfers. Ms. Honeyman replied that it generally took about 2 hours for a patient to be transferred.

Councilmember Cooke suggested getting comments from persons who work at Brackenridge Hospital about transfer procedures so as to put the problem into perspective.

MR. ROBERT SPURCK, Director of Brackenridge Hospital, indicated that patients were not simply left in hallways between transfers but were watched by the staff. He stated that he has asked to be personally involved in any transfers that took over an hour and a half or two hours and that for the last six months he has only gotten involved in two such cases.

MR. MIKE LEVY, Chairman of the EMS Quality Assurance Team, spoke before the Council. He stated that there was no such thing as a non-emergency transfer because any transfer potentiates a possible medical emergency. He felt that EMS was more qualified than the Hill Country Ambulance Service because of the equipment and the training of the crew. Mr. Levy felt that the waiting list EMS has had on occasions was reasonable given the quality care they have delivered. Councilmember Mullen asked Mr. Levy how many times a transfer has turned into an emergency case where life-saving facilities had to be used. Mr. Levy stated that he was aware of at least one incident where a patient went into arrest and that his chances of survival were greatly increased because he was under the care of a Registered Nurse (RN) trained as a paramedic and they had the equipment necessary to be able to work with the patient.

MR. WILLIAM BROOKS, an employee of EMS, spoke before the Council. He indicated that he has witnessed the quality of care administered by the Hill Country Ambulance Service and that it was in such poor condition that he would not want to see them treat somebody even in a non-emergency situation. Mr. Brooks pointed out that there were also situations where a person needed specialized care even though the patient wasn't necessarily dying. He did not feel that the applicant could provide this kind of care. Mr. Brooks stated that they were often put behind in transferring patients because the patients themselves were not prepared for the transfer and delayed the procedure. He indicated that this happened more frequently than the EMS having scheduling problems. He felt that another ambulance service was not needed in the city at this time. Councilmember Mullen asked Mr. Brooks if he was biased in his opinions about having another ambulance service in the Austin area. Mr. Brooks replied that he wanted the best possible care for the patient. Councilmember Mullen asked Mr. Brooks what he meant by his statement that the Hill Country Ambulance Service rendered poor service to its patients. Mr. Brooks indicated that the applicant sometimes has only one attendant in the ambulance when a patient is being transferred. He also pointed out that many patients need advanced monitoring during the transfer which the applicant did not provide.

MR. MIKE PROCTOR, an employee of EMS, also spoke before the Council. Mr. Proctor did not feel that the Hill Country Ambulance Service was a sub-standard operation. He stated that the applicant could not afford the equipment that EMS has without the proper subsidy. He felt that the applicant's ambulances should be staffed and equipped units with trained personnel. He did not advocate a private service when the City was capable of providing the service.

Mr. Matthews stated that he was not endorsing any ambulance service but that his main concern was getting the patients transferred. He felt that if there were not tax dollars supporting the EMS, they could not deliver the service that they did. Mr. Matthews stated that if another ambulance service came into being, it should be subsidized to the point where they can put out the equipment necessary to transfer patients. He indicated that he wanted to see more services available in the City of Austin.

MR. KOERT VOORHEES, Captain of the Pedernales Volunteer Fire Departments' EMS squad, spoke before the Council. He urged the Council to grant a franchise permit to the applicant. He stated that the concept of advanced life support capability being a significant factor in transfer service was erroneous. He

stated that this argument presented against the applicant was not based on the consideration of human lives. Mr. Voorhees said that the statement that the applicant rendered transfer service with only one attendant in the transfer vehicle was false. He stated that the EMS wanted a monopoly on the transfer business as a way to enhance their own budget. He also said that the EMS did not want to be comparable to another competitor.

MR. ROBERT McDONALD, a member of the EMS Quality Assurance Team, endorsed the statement of Mr. Mike Levy and told the Council that the amount of on the job experience had nothing to do with the ability to render service.

MR. BILL MOORE, Chairman of the Urban Transportation Commission, spoke before the Council. He stated that Commission's first motion on the issue ended in a 3-3 deadlock. The Commission took a second motion because of the problems experienced in thinking about the issue in the context of the current City ordinance. The ordinance is 10-12 years old and was drawn at a time when private providers were providing both emergency and non-emergency service. Mr. Moore pointed out that it was difficult to unscramble the portions of the ordinance which were applicable to non-emergency transfers and those which were intended only for emergency transfers. Mr. Moore indicated that the cause of the 3-3 deadlock dilemma was that the Commission did not have the hard data which the Council was provided with. Mr. Moore indicated that the Commission did recommend to update and review the entire ordinance. He did not feel that this could be done in a week or two weeks and that in the absence of clear and compelling evidence on the issue, the Council should deny the franchise. Mr. Moore recommended circulating the issue amongst other City departments or creating a special task force to deal with the problem. Councilmember Himmelblau stated that the Central Texas Health Systems Agency, of which she and Mayor Pro Tem Snell are members, formed a task force to interpret the needs of health care delivery for 30 counties. She stated that EMS and special transportation including the transfer of patients was part of this. She said that an assessment within the Austin area would probably be forthcoming before October.

Councilmember Mullen asked how many lives would be lost if the applicant is allowed to conduct transfers. Mr. Moore indicated that the applicant's units may be less prompt in responding to calls than the City EMS which in turn could create anxiety and throw a person into cardiac arrest. He stated that the applicant did not have the training and the equipment to effectively deal with the situation. Councilmember Cooke questioned if the life support equipment was paramount to the operation of transfer units. Mr. Lever answered that many persons are in an unstable condition upon transfer and could die in route to the hospital if certain life support equipment was not on board the unit.

DR. R. W. PAPE, Medical Director of the EMS program, told the Council that it did not matter how good the equipment was but how efficient the personnel on board the units were.

Councilmember Cooke asked for someone to address the qualification of the Hill Country Ambulance Service personnel. Mr. Bill Lane, co-owner of the service, stated that many of the Austin EMS personnel started out by working with Hill Country Ambulance Service and that they had trained many of the persons currently working for the Austin EMS. He assured the Council that they could provide service within 30 minutes of anywhere and that their personnel could handle an emergency if one arose.

Mr. Ternus pointed out that one of the main issues was the need for a service as measured by the number of people that would use it. He also stated that the quality of service provided was a major issue. He did not feel that anyone could guarantee a specific response time. He stated that the Austin EMS provides better equipment and personnel than the applicant. Mr. Ternus pointed out that there has not been a demonstrated need for another ambulance service in the City because the Austin EMS has done a commendable job. He recommended that the Council deny the franchise and review all the ordinances relative to ambulance services to make sure that they were all up to date.

Councilmember Cooke felt as if he did not have enough information to base a decision one way or the other. He stated that based on the application, he had no idea of the capability of the personnel or how many persons would be committed to the operation. He did not feel that he had enough information to reach a decision. Mr. Ternus regretted that there was not enough information to be provided to the Council and emphasized that the burden of proving the necessity for another ambulance service was upon the applicant. He felt that since this need was not being clearly presented, the application should be denied.

City Manager Dan Davidson stated that the City has tried to make private emergency and non-emergency transfers successful in Austin. He indicated that constant inspection of various ambulance services by the City led to a complete failure of the private sector within the City. This led to the Council enacting the current City EMS program. It was decided that all transfers, be they emergencies or non-emergencies, would be handled by the City EMS. Mr. Davidson felt that if the City did decide to contract the private sector at some time in the future, it should be done on some kind of advertised basis with rigid specifications for equipment and personnel and service performance so that the service to be rendered would match up to that of the current EMS. Mr. Davidson brought this out so that the Council would understand that they were not closing the door to some kind of private enterprise consideration in the future. He felt that, within the next few months, question would arise as to whether the City EMS should continue to provide the non-emergency transfer service in the City. He hoped that in the meantime, the Council would not grant the proposed franchise request.

Councilmember Mullen asked Mr. Lever how long he felt it would be before the City needed another vehicle to help handle the non-emergency transfers in Austin. Mr. Lever stated that the EMS had a capability at the present time to provide extra staff and units if needed. Once the need is past, these persons would go back to regular duties. Mr. Lever indicated that this has been done as recently as two days ago. He pointed out that the average number of transfers per month was about 400.

Mr. Davidson indicated that some of the mobility impaired patients could possibly be handled by one of the other City transfer programs and this possibility needed to be looked at by the various Boards and Commissions of the City. Councilmember Himmelblau stated that there would be an unbiased review of the situation by the Central Texas Health System Agency.

Motion

Councilmember Trevino moved that the Council close the public hearing and deny the franchise permit and ask the appropriate committees to review and recommend the ambulance ordinance revisions that may be necessary. The motion was seconded by Councilmember Goodman.

Mr. Matthews stated that the City was reporting on one of its good months and that if the Council looked back on the winter months during the heavy transfers period, the situation would appear differently. He felt that both Hill Country and Austin EMS could co-exist together in the City.

Mr. Prichard pointed out that, in response to Councilmember Cooke's inquiries, on Page 3 of a letter he submitted to the Council it showed the number of personnel and qualifications of the individuals. He felt that the Urban Transportation Department has persuaded the Council that the current ambulance ordinance is not sufficient in terms of equipment, personnel and other things. Mr. Prichard indicated that they had submitted an application which very closely tracks the ordinance.

Roll Call on Motion

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Trevino, Mayor McClellan
Noes: Councilmember Mullen

AMBULANCE PURCHASE

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

SUPERIOR SOUTHWEST, LTD.
3909 Overton
Dallas, Texas

- Emergency Medical Vehicle, Modular
Van, Vehicle & Equipment Services
Department.
Item 1 - Change from one each to
three each @ \$23,382.78.
Total: \$70,148.34

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino
Noes: Mayor McClellan
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

Mayor McClellan said she wanted some discussion of the purchase of these vehicles. She said she was not questioning the need for more units, but had heard there was some concern about the type the City planned to purchase.

Mr. William Lever, Director, EMS, addressed the Council by saying he thought the concerns regarding the vehicles came from a newspaper article that referred to them as blunt nosed ambulances. Mayor McClellan asked Mr. Lever if they could be serviced properly. He answered that the proposed vans are called modular vans and are a little smaller in the chassis compared to the 8 modulancess which were purchased from Austin Ambulance Company. Two of them are

in service in the City now, one for a year and one for six months, and he said Mr. Jerry Johnson, Assistant Director of Vehicle Services could talk about their maintenance. Mr. Johnson appeared before Council and said they had no problem with maintenance of this type of vehicle...they are a little closer quarters for work and a little susceptible to heat but they are common throughout the industry. He said that other cities have both types of ambulances, but are going to the type Austin has proposed buying. Councilmember Cooke asked if the new units proposed are the walk-through type. Mr. Johnson answered that they are. Mayor McClellan asked if this issue of ambulances had been thoroughly researched to make certain they are buying the type they really need.

MR. MIKE LEVY, member of the EMS Quality Assurance Team, said his chief concern is safety, but the personnel that have been queried do not share his concern. The snub nosed vans do not afford the safety of a large truck. The personnel feel they would rather have new vehicles now rather than have a delay. Mr. Levy said the proposed vans offer minimum protection...they have a crush factor of 1" per mile of hour collision and a 50 mph front end collision would equal four feet of collapse, when there is only about 4 inches of protection for the driver at the front end. He said there seemed to be problems of heat dissipation because of the small size of the engine compartment, difficulty in servicing the unit, and the units seem to run hot. Mr. Levy indicated these were personal opinions gathered from his own investigation.

Mr. Davidson pointed out that if he had known this kind of a question was going to be posed, he would have presented a study he did as a result of a newspaper article quoting the Houston Fire Chief about the kind of a unit proposed. According to the article, a Houston EMS driver was killed. The company building these units would be happy to provide information concerning a large number of cities who are utilizing these newer style units. Mr. Davidson said this particular unit has not always been available to some of the older EMS departments in other cities, and that is why its use has not been general. He said that it was the Council's decision, but the reason he was recommending more units was to give the maintenance people time to let the units cool down before having to work on them. He asked Mr. Johnson if he knew of any heat dissipation problems with the units. Mr. Johnson said there was no overheating problems with the units. He also said this same type van was being used all over the country as school buses, and if they were not safe, they would not be used for that purpose. Mr. Levy replied to this that school buses are not driven under emergency conditions at 50 mph in City streets. He said he did agree the need for new units was critical, and there was quicker access to the blunt nosed units than those with a standard chassis. Mr. Davidson stated that if the units are considered unsafe, he did not think the City should buy them. He felt that the main question was whether or not they would expose City employees or EMS personnel to a degree of risk that is unacceptable. Mr. Davidson told Mr. Levy he appreciated his concern, but if he thought that, he would not have put this item on the agenda. He said the Houston incident involved a collision from the side and had nothing to do with a head on collision. Mr. Davidson checked with the staff and told them if the units were safe, they would go with the, if not, they would not. Again, Mr. Davidson said, if the Council has proof these are unsafe units, he wanted to pull the item from the agenda. Mr. Levy replied that he thought the risks imposed by the units were not much different than the standard camper van. He said he did not want to imply the staff or members of the City Manager's office are knowingly buying these units knowing there is a great risk involved in their maintenance problems.

Councilmember Goodman asked what the difference in cost is between the modular and the modular vans. Mr. Lever answered they are similar in cost. Mr. Lever commented that when he first came to work in Austin, he worked closely with Vehicle & Equipment Services to establish rigid specs. One of the main factors in mind was safety of the crew and patient. Consequently, Mr. Lever said, we have limited the market capability of the private industry to bid on ambulances because the greater majority cannot meet the requirements of the City. They do not want to put the money into building the ambulances Austin requires. He said he had done a study on the snub-nosed ambulances they were considering for purchase and cited several cities who had bought a number of them. The cities contacted only had one accident to report involving one of the ambulances. Mr. Davidson repeated that if there was still a question in the Council's mind about the units recommended for purchase, they should pull the item off the agenda for additional study and take whatever time they thought they would be comfortable with. It is not their intent to rush through with the purchase. Mayor McClellan said there was not a question of whether they needed the units, but they just wanted to make sure they were buying the right ones.

Motion

Councilmember Trevino moved that the Council adopt a resolution to change the original authorization to purchase 1 emergency medical vehicle from Superior Southwest Ltd. to 3 emergency medical vehicles for a total of \$70,148.34. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino

Noes: Mayor McClellan

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

STATUS REPORT ON EMS

Miss Andrea Beatty, Assistant City Manager, stated that in response to a number of questions raised by the Council as well as the news media about the EMS Department, they thought the best way to acquaint those interested in the department's operations, current status, and future plans, was by means of a comprehensive report. The report prepared covers staffing, equipment, and the future of the department. Each Council member, Ms. Beatty said, has a report before them which outlines some of the problems that have existed in the department, how the problems have been addressed, and what the future holds in terms of dealing with those issues as well as new issues that may be suggested by the Council. She said Mr. Lever would go over the current status of the program and she will come back and talk about the future plans which will include the selection procedure to find a director to take Mr. Lever's place, since his resignation is effective August 5, 1977. She will also discuss plans for some goal settings in the future.

Mr. Lever, Director, Emergency Medical Services, outlined the employment selection procedures included in the material Councilmembers had before them. He said in the past 18 months, two complete courses of training have been conducted, with each course being updated and re-evaluated upon completion. The third paramedic program was begun the first of June. He told what was expected of a person in order to pass the paramedic course. Plans for the future will be continual upgrading of paramedic training as well as those

individuals who are already paramedics. As paramedic needs lessen, they will begin training volunteers in the EMS system of Travis County which supports them now at the basic level. He discussed the non-medical aspect of training which includes defensive driving and the various aspects of driving an ambulance under diverse conditions. Three persons from Austin also were sent to San Antonio to receive a more intensive course in defensive driving from the Fire Department and Southwest Research. The three individuals are now teaching the course to the drivers in Austin. Mr. Lever discussed the evaluation of personnel as outlined in the material the Councilmembers have.

Equipment operated by EMS was discussed by Mr. Lever as outlined in the material the Council had, as well as maintenance, replacement, and operation of telemetry equipment. Mr. Lever called attention to the section of the report dealing with statistics, and coordination with the Fire Department. He said the rest of the report speaks for itself.

Ms. Beatty returned to discuss the Quality Assurance Team which is outlined in the report as follows:

"IV. Quality Assurance Team

- A. The Quality Assurance Team was established by Council to consult with the department head, City Manager, and Council for the purpose of planning, reviewing and evaluating EMS operations. The seven members, appointed by the City Manager, represent both consumers and providers of emergency medical services. A list of members is attached. Attachment 5.
- B. The City Manager will be appointing a person to fill the vacancy on the Quality Assurance Team in the near future. This team will continue to play a vital role in measuring our ability to achieve excellence.
- C. The Quality Assurance Team is in the process of conducting a programmatic evaluation of the EMS system. This process will enable the Team and staff to recommend to Council a list of prioritized goals for the Emergency Medical Services Department.
- D. A separate EMS Medical Committee, appointed by the Travis County Medical Society, advises the department on medical protocols, acts as liaison with the medical community and provides general consultation and direction to the Medical Director."

Mayor McClellan asked for information regarding the setting up of the Quality Assurance Team. She asked information concerning the background of the ordinance establishing the Team since it was appointed by the City Manager. Ms. Beatty said she surmised the thought was that this was a committee to really advise the staff on operational types of things, not to deal with public complaints. As such, this is an administrative type of advisory committee rather than a policy advisory committee. Mr. Davidson said, as he recalls it, he was the one who recommended that such a committee be utilized at the time the City went into an EMS system. The Councilmembers, at the time, said let's set up a committee and allow the City Manager to appoint the members, and that's the way the ordinance is drafted. "I don't think there is any magic about it; it could have been done either way," Mr. Davidson said. A lot of hours have

been put in by the Quality Assurance Team in the 18 months since the system was established. In order to put EMS into operation, they had to take over used equipment, employ personnel, line up radio equipment and be able to start and meet all goals originally established by the City Council. Even though there are some problems, the goals established by the City Council have been met.

Ms. Beatty said she wanted to discuss briefly the plans for the future. Selection procedure for a new EMS Director is in the report the Council has. It includes the following steps:

1. Get input from a number of sources on what the criteria for selection should be. After the input of the selection criteria, they will put together a written report.
2. A nation-wide recruitment will be conducted.
3. Conferences for recruitment will be conducted.
4. Review and rating of applicants.
5. Oral assessment of the top six applicants which will be structured and rated.
6. Managerial and psychological assessment of the top three individuals.
7. Background review on the final selection.

Ms. Beatty said the procedure is comprehensive, and takes a major investment in time and resources, but she said they felt the results are worthwhile. Councilmember Cooke wanted to know how much time and resources. She said she did not have a price tag to tell him but could get one for him. The minimum amount of time would be 60 days, with the determining factor being the lead time needed for advertising in journals, and whether there are any alternatives to journal advertising.

The last section of the report, continued Ms. Beatty, deals with the future. EMS has been under close scrutiny and problems have been identified from many different sources. She felt there should be a priority time table set, and hopes through consultation with the Quality Assurance Team, the Medical Committee, and the staff, some goals will be set for the future.

Councilmember Himmelblau commented she is really pleased with what they have, the way it has developed, and the plans for the future. She said this is one of the few departments from which she has received no citizen's complaints in the last year. Mayor McClellan noted she has received many complimentary letters. Ms. Beatty said she has had the same experience since she has been working with it.

U-TURNS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-26 AND SECTION 21-37(d) OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR U-TURNS ON CERTAIN STREETS; AUTHORIZING THE TRAFFIC ENGINEER TO DESIGNATE MEDIAN OPENINGS ON DIVIDED STREETS WHERE RIGHT, LEFT OR COMPLETE TURNS MAY BE PROHIBITED; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 986 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 4611 MARTIN LUTHER KING, JR. BOULEVARD AND ALSO BOUNDED BY HEFLIN LANE, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Jack Ritter, Jr., C14-77-040)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

AN APPROXIMATE 12 ACRE TRACT OF LAND, SAVE AND EXCEPT LOTS 6 THROUGH 13, BEN WHITE COMMERCIAL SUBDIVISION, LOCATED BETWEEN WEST BEN WHITE BOULEVARD AND BANISTER LANE AND BEING BOUNDED ON THE WEST BY THE I AND G N RAILROAD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Odas Jung, C14-73-119)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 26 AND 27, DUVAL HEIGHTS SUBDIVISION, LOCALLY KNOWN AS 923 CLAYTON LANE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Church of Christ of Latter Day Saints, Corporation of the Presiding Bishop, C14-73-062)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 0.33 ACRE TRACT OF LAND, SAVE AND EXCEPT A 0.024 ACRE TRACT OF LAND, LOCALLY KNOWN AS 7534-7540 CAMERON ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Marvin M. Henry, C14-73-017)

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,
Councilmembers Cooke, Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
TRACT 1: AN 18,408.7 SQUARE FOOT TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,
TRACT 2: THE WEST 245.5 FEET OF LOT 1, RESUBDIVISION OF A PORTION OF BLOCK 25, THEODORE LOW HEIGHTS, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 3715 MANCHACA ROAD AND ALSO BOUNDED BY THE PLANNED EXTENSION OF VALLEY VIEW ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (R. W. Cullers, et al, C14-73-167)

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,
Councilmembers Cooke, Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
AN 18,398 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2901-2905 SOUTH 1ST STREET AND ALSO BOUNDED BY EL PASO STREET, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Trudie V. Davis, C14-77-047)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilmembers Goodman and Himmelblau noted that there was someone in the audience who wanted to discuss the above zoning. Mayor McClellan stated the public hearing had already been held, nothing could be changed, and he could speak if he wanted to, but the ordinance had passed.

JOHN CORY, who had appeared at the hearing last week, discussed the traffic at the intersection of El Paso and South First Streets, the lack of community response to the zoning change, and a community petition. His feeling was that there had been misrepresentation at the zoning hearing. After talking for some time, Mayor Pro Tem Snell told Mr. Cory he was out of order. Mayor McClellan told Mr. Cory again that the public hearing on this matter had been closed last week and asked Mr. Harris, City Attorney to explain the situation. Mr. Harris said that "if an attempt was made to do anything other than what was done last week, there would be a real legal problem. State law requires that zoning be done at a public hearing. That hearing was held and closed last week. The restrictive covenant required by the Council has been executed and is on its way to the Courthouse to be recorded. The only reason we are back here for the formality of ordinance passing today is because at one time the City Attorney's office requested this procedure years ago as a convenience. It was clearly decided at the time of adoption that zoning matters are decided on the day of the public hearing and there is no subsequent action that can legally be taken, except the subsequent passage of the ordinance. That was done at the convenience of the law department. If this is an inconvenience to the City Council, I will bring back the ordinances on the days they are actually decided at the public hearing to avoid this inconvenience to the Council."

Mayor Pro Tem Snell told Mr. Cory that if he had more to say, he should request to appear under Citizens' Communications on some future agenda, but that now he was completely out of order.

NAMING OF DEDICATED ROADWAY

Mayor McClellan introduced the following ordinance:

AN ORDINANCE NAMING A DEDICATED ROADWAY IN THE CITY OF AUSTIN RICHARDSON LANE;
SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS;
AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

The Mayor announced that the ordinance had been finally passed.

HOSPITAL BOARD

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 2-5 OF THE AUSTIN CITY CODE OF 1967, BY PROVIDING FOR TWO YEAR TERMS OF OFFICE FOR HOSPITAL BOARD MEMBERS; PROVIDING FOR THE TRANSITION TO TWO YEAR TERMS OF OFFICE; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino,
Mayor McClellan, Mayor Pro Tem Snell
Noes: None

The Mayor announced that the ordinance had been finally passed.

NORTHWEST DISTRICT PARK WASTEWATER MAIN

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing on August 11, 1977, at 11:00 a.m. to permit construction of approximately 200 feet of 18" wastewater main in Northwest District Park to facilitate utility adjustments for the north extension of MoPac. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Cooke asked how this ties into what Commissioner Honts has been discussing concerning utility construction going on at the same time MoPac bids are being let, and doing things more expeditiously. Mr. Davidson told him this had nothing to do with that.

RELEASE OF EASEMENT

Councilmember Trevino moved that the Council adopt a resolution to authorize the release of the following Easement:

3.00 feet of a 15.00 foot Drainage and Public Utilities Easement out of Lot 1, Wooten Park Square, Section Three. A subdivision in the City of Austin, Travis County, Texas. (Requested by Tom G. Ezell, owner of Lot 1, Section 3, Wooten Park Square)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman
Noes: None

EASEMENT RELEASE PULLED FROM AGENDA

The following was pulled from the agenda and postponed for one week:

A portion of a Drainage and Public Utilities Easement out of Lot 4 Block B, the Bluffs of University Hills Section 1, a subdivision in the City of Austin, Travis County, Texas according to a map of Record in Plat Book 42 at Page 12 of the Travis County Plat Records. (Requested by Pat Dugan, Fort Worth Mortgage Corporation representing the purchaser, Tyree Shaw, Sr.)

The owner of the property asked why it had been pulled. She had been waiting all day for this item. Mr. Davidson responded it was because all property owners within 300 feet had not been properly notified. Councilmember Trevino asked that from now on, when an item is pulled, it be announced at the beginning of a meeting. Mayor McClellan expressed her apology and said it would be first on the agenda next week.

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to select the professional engineering services of the firm of W. C. COTTON, JR., Inc., for the design of bridge and adjacent roadway improvements on Shady Lane for the Public Works Department. CAPITAL IMPROVEMENTS PROGRAM, SHADY LANE AT BOGGY CREEK (EAST) BRIDGE IMPROVEMENTS. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

Mayor Pro Tem Snell moved that the Council adopt a resolution to approve a change order in the amount of \$17,200.00 to ENVIROQUIP, INC., for the purchase and testing of aeration equipment for the Walnut Creek Wastewater Treatment Plant. CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen
Noes: None

CHANGE ORDER

Councilmember Trevino moved that the Council adopt a resolution to approve Change Order Number Two to LARSON-PUGH, INC., in the amount of \$59,569.50 for Paving and Drainage Improvements, William Cannon Drive from Brodie Lane to Manchaca Road. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino
Noes: None

Councilmember Himmelblau commented that such a high change order amount was upsetting. City Manager Dan Davidson indicated that the change order amount was high because the project had been expedited. Councilmember Trevino asked Mr. Davidson if the 5% change order was within the acceptable ranges and Mr. Davidson replied that it was.

CONTRACTS

Councilmember Goodman moved that the Council adopt a resolution to award the following contract:

AUSTIN ROAD COMPANY 428 East Anderson Lane Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, 1976-77 Safe School Sidewalk Program - \$152,563.89
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Trevino, Mayor McClellan
Noes: None

Councilmember Cooke questioned why the price of the sidewalks was so high. Mr. Charles Graves, Director of the Engineering Department, stated that the proposed cost also included the relocation of utilities which cost almost as much as the sidewalks.

Councilmember Goodman moved that the Council adopt a resolution to award the following contract:

SCHMIDT CONSTRUCTION CO. Star Route A, Box 635 Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, South Meadows Drive and Plains Trail Wastewater Main to provide service to a newly annexed area - \$142,104.70.
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

Councilmember Goodman moved that the Council adopt a resolution to award the following contract:

AMSTER MUSIC, INC. 1624 Lavaca Austin, Texas	- One Upright Piano with Bench and One Baby Grand Piano with Bench, Auditorium - Items 1 & 2 - \$5,213.25
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July 7, 1977

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino,
Mayor McClellan, Mayor Pro Tem Snell
Noes: None

Councilmember Trevino questioned why there were not two orders for the two pianos rather than the one presented. Mr. Solon Bennett, Director of the Purchasing Department, stated that the Auditorium felt that it would cut down on paper work and transportation problems if the two were combined into just one order.

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

<p>McKESSON CHEMICAL COMPANY 4351 Director Drive San Antonio, Texas</p>	<p>- Sodium Hexametaphosphate, Water and Wastewater Department. Twelve Months Supply including extension for up to 12 months. Estimated: \$49,644.00.</p>
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Amending resolution for purchase of network underground equipment awarded May 5, 1977. (Total amount has not changed)

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

<p>WESTINGHOUSE ELECTRIC CORP. 201 North St. Mary's Street San Antonio, Texas</p>	<p>- CAPITAL IMPROVEMENTS PROGRAM, NETWORK UNDERGROUND TRANSFORMER & EQUIPMENT, Electric Department. Item 1.1 & 2.3 - \$319,654.00</p>
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

<p>CLOSNER EQUIPMENT COMPANY 1415 West Poplar Street San Antonio, Texas</p>	<p>- 13 Implement Trailers, 26,000 lb. Vehicle & Equipment Services Depart- ment. Item 1 - 13 ea @ \$5,627.00 Total - \$73,151.00</p>
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

CHANCE MANUFACTURING COMPANY 1103 Ross Avenue Dallas, Texas	- CAPITAL IMPROVEMENT PROGRAMS, SERVICE FOR MOBILITY IMPAIRED - Two each Transit Buses for the Elderly and Handicapped. Urban Transportation Department. Item 1 - 2 Ea. @ \$69,226.00 Total - \$138,452.00
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

YELLOW/CHECKER CAB COMPANY OF AUSTIN, INC. Fifth and Red River Streets Austin, Texas	- Personalized Taxicab Services, Urban Transportation Department. Twelve (12) Months Service Agreement including options for up to two (2) six (6) months extensions. Estimated: \$61,560.00 per year
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

GOLDTHWAITES OF TEXAS 10751 Sentinel San Antonio, Texas	- Fertilizer, milorganite, Parks and Recreation Department. Item 1 - \$6,200.00.
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

SENIOR ACTIVITY CENTER

Councilmember Himmelblau moved that the Council adopt a resolution to approve naming the Senior Activity Center Building located at 29th Street and Lamar Boulevard the "Senior Activity Center." The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman
Noes: None

GRANT REQUEST

Councilmember Trevino moved that the Council adopt a resolution approving submission of a second year grant request in the amount of \$13,959 for the Outreach Coordination Program for Austin-Travis County Senior Luncheon Program. (Period: August 1, 1977 to July 31, 1978 - City's share is \$2,792 in-kind services). The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

Councilmember Cooke asked why the County was not picking up some of the cost of funding the program. Mr. Jack Robinson, Director of the Parks and Recreation Department stated that the Outreach Program does not do any services for the County but for the City of Austin only. Mr. Robinson indicated that they were not asking for any additional funds from the City but for permission to submit a request for grant money. Mr. Davidson pointed out that the request would not effect the City budget.

CONTRACT

Councilmember Trevino moved that the Council adopt a resolution approving a contract in the amount of \$223,689 with the National Council of Senior Citizens for a part-time employment program. (Requires \$26,000 in-kind match; program period July 1, 1977 - June 30, 1978.) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,
Councilmembers Cooke, Goodman, Himmelblau, Mullen
Noes: None

MUNICIPAL AIRPORT

Councilmember Cooke moved that the Council adopt a resolution authorizing an application for \$1,806,200 of Federal Aviation Administration funds to construct various projects at Robert Mueller Municipal Airport in consonance with Airport Master Plan. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino
Noes: None

CONTRACTS

Councilmember Himmelblau moved that the Council adopt a resolution approving a contract with Capital Neurosurgical Association and Austin Neurosurgical Association or provide for payments to defray a portion of malpractice insurance cost associated with practice in Brackenridge Hospital. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

Councilmember Himmelblau moved that the Council adopt a resolution approving a contract with the Austin Ophthalmological Association to provide for payment to defray a portion of malpractice insurance cost associated with practice in Brackenridge Hospital. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

LEASE AGREEMENT - LIBRARY

Councilmember Goodman moved that the Council adopt a resolution authorizing execution of a Lease Agreement for branch library space in the North Loop Plaza. Councilmember Goodman made note of the fact that the space was being leased to the City by Mr. Nelson Puett and that a wide variety of persons representing diverse life styles would be using the library. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino,
Mayor McClellan, Mayor Pro Tem Snell
Noes: None

LOST CREEK MUNICIPAL UTILITY DISTRICT

Councilmember Trevino moved that the Council adopt a resolution authorizing execution of a revised agreement on Lost Creek MUD. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to consider granting a petition for addition of certain lands to the Lost Creek MUD. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize the execution of an annexation agreement with Lost Creek MUD, Mutual Savings Institution, dba Lost Creek Developers, Lost Creek Company, Frank Douglass, Trustee and Independent. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize the execution of a water main agreement with Lost Creek MUD, Mutual Savings Institution, dba Lost Creek Developers and Lost Creek Company. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize the execution of a Water and Wastewater contract with Lost Creek MUD and Mutual Savings Institution, dba Lost Creek Developers. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

Mr. Bert Hooper, attorney representing the Lost Creek Municipal District, stated that the package of information pertained to the annexation of land and the acquisition of a water supply to the district. He indicated that at the present time the district receives its water supply from the City of Austin through the Travis County Water Control and Improvement District No. 10. He pointed out that they wanted to contract directly with the City for water rather than through District No. 10. Mr. Hooper stated that the Water and Wastewater system used by the MUD would be operated by the land owners and the district and not by the City of Austin. He stated that the district would also be responsible for metering and billing of users. Councilmember Cooke asked if there was any cost related to the resolution. Mr. Curtis Johnson, Director of the Water and Wastewater Department, stated that there would be no cost incurred by the City.

LITTLE ELM PARK

Councilmember Mullen moved that the Council place the naming of Little Elm Park on the agenda for the following week, July 14, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman
Noes: None

SOUTH NEIGHBORHOOD TARGET AREA

Motion

Councilmember Trevino moved that the Council approve the expansion of the South Neighborhood target area boundaries. The motion was seconded by Councilmember Himmelblau.

Mayor Pro Tem Snell asked if this would effect any other existing boundaries. Mr. Andy Ramirez, Director of the Human Resources Department, stated that the expansion was initiated by the South Austin Neighborhood Advisory Committee in order to accommodate those Committee members who lived outside of the current boundaries. Mr. Ramirez presented slides of the various boundary areas. He assured Mayor Pro Tem Snell that the change would not effect other existing areas.

Friendly Amendment

Mayor Pro Tem Snell made a friendly amendment that the rest of the neighborhood area boundaries be brought back to the Council as soon as possible. The friendly amendment was accepted.

Roll Call

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

PUBLIC HEARING ON SUNSET ORDINANCE ON
MUNICIPAL BOARDS AND COMMISSIONS

Mayor McClellan opened the public hearing scheduled for 11:30 a.m. by indicating that there was a motion on the floor. The Mayor introduced the following ordinance:

AN ORDINANCE PROVIDING FOR PERIODIC REVIEW OF CERTAIN BOARDS, COMMISSIONS AND COMMITTEES OF THE CITY OF AUSTIN; PROVIDING FOR A PROCEDURE FOR TERMINATING BOARDS, COMMISSIONS AND COMMITTEES; PROVIDING FOR THE SUSPENSION OF THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion was seconded by Councilmember Cooke.

Councilmember Trevino suggested the Council review half of the Municipal Boards and Commissions one year and the other half the second year, rather than reviewing all Boards and Commissions at the same time.

Friendly Amendment

Councilmember Cooke made a friendly amendment to extend the reviewing period designated in Section 1.04(c) of the ordinance from November 1 through January 1, to November 1 through February 1 and to review all Boards and Commissions the first year after the ordinance is enacted and half of the Boards and Commissions per year during future reviews. The friendly amendment was accepted.

Roll Call

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,
Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Councilmember Goodman stated that he had requested a fiscal note ordinance. City Manager Dan Davidson indicated that implementation of the "Sunset" ordinance would require a portion of one person's time at an estimated cost of \$8,000 annually. Mr. Davidson pointed out that if the intent of the ordinance is accomplished and a number of Boards and Commissions are reduced, there would be a corresponding savings that would offset the cost of implementing the ordinance. Councilmember Goodman asked Mr. Joe Liro, Assistant City Manager, how the fiscal note ordinance was prepared. Mr. Liro indicated that he first spoke with department heads that work with Boards and Commissions and determined from them if the administrative requirements in the ordinance would create additional staff burdens for them. He did not find this to be the case. Mr. Liro indicated that a part-time clerk added to the City Clerk's Office could handle the filing, recording and monitoring requirements of the ordinance. Councilmember Goodman asked when the determination was made to require a fiscal note on an ordinance. City Attorney Jerry Harris indicated that a fiscal note was done for an ordinance that requires the expenditure of unbudgeted funds.

MEETING ADJOURNED

The Council meeting then adjourned at 7:11 p.m.

ATTEST:



City Clerk

APPROVED



Mayor